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Cox *et al.***Remarks**

This supplemental Amendment is submitted in response to the telephone conference with the Examiner of March 10, 2002. Claims 24, 27, 28, 60, 63, 68, 71, 73 and 74 are amended, and claim 69 canceled without prejudice or disclaimer. Accordingly, claims 24-30, 60-68 and 70-74 are pending in this application, claims 24, 30 and 68 being the independent claims.

**Telephone conferences with the Examiner**

Applicants' representative, George S. Bardmesser, thanks the Examiner for the courtesies extended during the multiple telephone conferences, and for the Examiner's efforts in resolving the issues in this case.

**Allowable Claim 30**

Applicants thank the Examiner for noting that claim 30, which has been rewritten in independent form, remains allowable without further amendments.

**U.S. Patent No. 5,591,197 to Orth *et al.***

Claim 24 has been amended to recite "An endoluminal prosthesis for use in a human body comprising a radially expandable tubular frame, the frame including a plurality of self expandable loops and a plurality of plastically deformable connector elements." (Emphasis added.) The Examiner has expressed concern that the language of claim 24, prior to amendment, may be rendered obvious by Orth *et al.* Applicants respectfully submit that this

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Supplemental Amendment clarifies any issues remaining in this case with respect to obviousness over Orth *et al.*

Specifically, the Examiner noted her concern about col. 10, lines 39-47 of Orth *et al.*, as appearing to disclose a structure similar to that claimed in claim 24. Upon careful review of Orth *et al.*, Applicants believe that the structure illustrated and disclosed therein would need to be effectively "reversed," in order to result in the structure claimed in claim 24. Orth *et al.* is clearly directed to a balloon expandable stent, with connectors possibly made of different (but still balloon expandable) material. Nothing in Orth *et al.* suggests modifying its structure to be self-expanding. Certainly nothing in Orth *et al.* suggests modifying parts of its structure to be plastically deformable, *and other parts to be self expanding*. Applicants further submit that while there is indeed a finite list of materials commonly used in the stent industry (e.g., stainless steel, tantalum, Nitinol, etc.), it would not be simply a matter of taking the illustrated structure in Orth *et al.*, and "converting" it to a partly self expanding and partly plastically deformable structure.

For example, to make the Orth *et al.* stent into a self-expanding stent, more than merely a change of materials is necessary. Rather, Applicants submit that experimentation would be required to result in a stent usable in a human body (instead of merely a metal structure that looks like a stent, but may be too dangerous or impractical to be used for a medical purpose in a human body).

Independent claim 68 has been similarly amended, and is allowable at least for the reasons applicable to claim 24, as well as due to the features recited therein.

The Examiner has also expressed concern about Fogarty, U.S. Patent No. 5,824,037, which shows the use of sutures to connect portions of a prosthesis. As discussed during the

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telephone conference, Applicants respectfully submit that the concept of "malleability" does not apply to sutures/threads (but only to metals, and possibly to some plastics), and respectfully maintain that the language of claim 68 ("having regions formed of materials having different malleability") distinguishes over Fogarty.

### Conclusion

In view of the above discussion, Applicants believe the currently pending claims are in condition for allowance.

Should the Examiner have any questions with regard to this Response, or determine that any further action is necessary to place this Application in better form for allowance, the Examiner is encouraged to telephone Applicants' representative at (202) 371-2600.

Respectfully submitted,

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Cox et al.**Version With Markings To Show Changes/Amendments**

In accordance with 37 CFR 1.121(c), the following version of the claims, as rewritten by the foregoing amendments, show the changes made relative to previous versions of the claims.

***In the claims:***

Please cancel claim 69.

Please amend claims 24, 27, 28, 60, 63, 68, 71, 73 and 74 to read as follows:

24. (Twice Amended) An endoluminal prosthesis for use in a human body comprising a radially expandable tubular frame, the frame including a plurality of [resiliently] self expandable loops and a plurality of plastically deformable connector elements extending between adjacent loops that allow the tubular frame to plastically conform to a body lumen.

27. (Twice Amended) The endoluminal prosthesis as in claim 24, wherein adjacent self expandable loops are axially separated, and wherein the connector elements comprise serpentine structures that extend axially between the adjacent self expandable loops.

28. (Twice Amended) The endoluminal prosthesis as in claim 24, wherein the self expandable loops comprise ring-frames.

60. (Amended) The endoluminal prosthesis as in claim 24, wherein the connector elements and the self expandable loops are made of materials with different expansion characteristics.

63. (Amended) The endoluminal prosthesis as in claim 24, wherein the connector elements are more malleable than the self expandable loops.

68. (Amended) An endoluminal prosthesis for use in a human body comprising:  
a plurality of self expandable ring-frames; and  
a plurality of connector elements extending between adjacent self expandable ring-frames that allow the endoluminal prosthesis to conform to a body lumen,  
wherein the self expandable ring-frames and the connector elements form an expandable tubular frame having regions formed of materials having different malleability.

71. (Amended) The endoluminal prosthesis as in claim 68, wherein the connector elements and the self expandable ring-frames are made of materials with different expansion characteristics.

73. (Amended) The endoluminal prosthesis as in claim 68, wherein the connector elements are plastically deformable [and the expandable ring-frames are self-expanding].

74. (Amended) The endoluminal prosthesis as in claim 68, wherein the connector elements are more malleable than the expandable ring-frames.